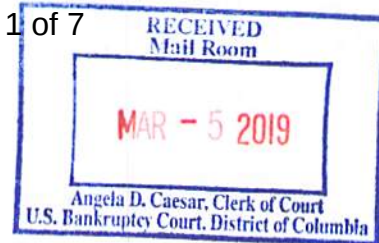


UNITED STATES DISTRICT COURT  
DISTRICT OF NEW COLUMBIA  
WASHINGTON DC

UNITED STATES OF AMERICA

V

ROGER STONE

19-CR-00018 (ABJ)  
Doct as Motion to hear to  
File Amicus Brief

## AMICUS BRIEF SUPPORTING DISMISSAL OF CHARGES

ABJ 3/12/19

Appearing now, before this court, the **Christian Coalition for Judicial Reform**, hereby submit this Amicus brief, along with supporting Constitutional Memorandum in law (Exhibit A), in support of DISMISSAL of all charges currently pending before the court in the instant case. The court lacks Article III jurisdiction over the instant suit, due to Plaintiffs failure to lawfully invoke federal judicial powers under the "case or controversy" doctrine. The Government offers no "injury in fact", and lacks standing.

## BACKGROUND TO THE PROCEEDINGS

The court was presented with an Indictment by a Grand Jury charging Roger Stone of making false representations(lying to federal officers), obstruction of justice(impeding federal investigation) and witness tampering(manipulating witness testimony). Failing to allege actual "injury in fact", the United States failed to proffer evidence of "standing" and the Grand Jury, was illegally accessed. The United States was not in any way injured by Stone's alleged conduct(s). Instead, the United States is relying solely on the basis that Roger Stone "offended" the law, giving the United States rights to prosecute Roger Stone. This does not comport with the long tested Case or Controversy doctrine, of which "first and foremost" (See *Spokeo v Robins* 135 S. Ct 1540) requires Plaintiff to allege "injury in fact" to sustain

"standing to sue".

### **ARGUMENT BASIS FOR DISMISSAL**

According to the law of standing, "Cases have established that the irreducible constitutional minimum of standing consists of three elements" (Citing Spokeo v Robins 135 S. Ct 1540, in reliance on Lujan v. Defenders of Wildlife, 504 U.S. 555)

The first element of these three is to show the Plaintiff suffered "an invasion of a legally protected interest" Lujan supra at 560, 112 S.Ct 2130, 119 L.ED 2D 351 Pp. \_\_, \_\_ 194 L.ED 2D at 642-643 (As relied on in Spokeo v Robins). In the instant case, the United States has failed to allege or offer any argumentative proof of "injury in fact" to a "legally protected interest" (Save for alleging "offenses of law", the Second element of standing required). This is a Constitutional deficiency.

A legally protected interest has been time tested to require a party claiming justiciability, the Plaintiff must raise more than a "generally available grievance" and as such, the Government's "claiming only harm to his[its] and every citizens interest in proper application of the Constitution and laws, and seeking relief nor more directly and tangibly benefiting him that it does the public at large- does not state an Article III case or controversy." (see: Hein v. Freedom of Religion 168 LED 2D 424, 551 U.S. 587)

In other words, unless the United States government can provide Roger Stone, with evidence of "injury in fact" to the Government, than "the first element of the " irreducible constitutional minimum of standing" which minimum consists of (1) a "concrete and particularized" "injury in fact", the Government has failed to bear its burden of standing. The Government is simply

pressing the arguments that Roger Stone "broke the law(s)". As such, a federal "offense" has occurred. However, the "injury in fact" would need to be in place and be one "that is (2) fairly traceable to the defendants alleged unlawful conduct...."(See: Hein v Freedom, citing Lujan v Def. Of Wildlife, 504 U.S. 555, 560, 561, 112 S.Ct 2130, 119 LED 2D 351 (1992))

In the instant case before this court, the Government has failed to proffer any such Constitutionally protected allegations or evidence.

As such, this court does not have Article III judicial powers over Roger Stone.

#### **ADDITIONAL CONSTITUTIONAL VIOLATIONS AGAINST STONE**

As this court is well aware, Roger Stone was recently "gagged" by an ORDER denying his rights to express his belief of unlawful prosecution. This violates at least (3) Constitutional rights: 1) freedom of speech; 2) or of the press; (under the 1st Amendment) and 3) Equal protection (under the 14th Amendment. For the Press to have the right to politicize Roger Stone's case in the media, while "gagging" Mr. Stone the same right to defend thru the media. Your honor, is dealing from a deck stacked in favor of the Prosecution for the United States, and has a double standard of law(s). (This notwithstanding the fact, that Article III powers are not lawfully available for federal judicial determinations on these matters.)

The news media this week, has been nothing short of a Congressional circus. Michael Cohen (Witness for the Government against our President), has been afforded rights in law, to discuss his Opinion's about our President, using the Media and Congressional platform as an outlet to the world. Michael Cohen,

is allowed to call our President a "racist, conman and a cheat", while Roger Stone has been gagged by this court, for the posting a picture of himself on instagram, with the word "target" on his forehead.

Our government system, by way of the International news platform, supported by Congressional testimony, can allow our President to be treasonously attacked, in front of the court of public opinion, because Michael Cohen is under oath. Perhaps then, the court would consider similar allowances on Constitutional protections to Roger Stone, and offer Mr.Stone the right to state he is a "target" of the Department of Justice, as long as he does it under penalty of perjury?

This court is showing the world, extreme bias against Roger Stone, notwithstanding the most salient point, that it lacks Article III federal judicial powers to begin with.

Amici closes this argument with the following citation from the Supreme Court of the United States of America: "As we reaffirmed just this Term: "'We have consistently held that a plaintiff raising only a generally available grievance about government [Stone]-claiming only harm to his [Governments] and every citizen's interest in proper application of the Constitution and laws, and seeking relief that no more directly and tangibly benefits him than it does the public at large-does not state an Article III case or controversy.'" *Lance v. Coffman*, 549 U.S. 437, \_\_\_, 127 S.Ct 1194, 167 L.Ed. 2d 29 (2007) (per curiam) (quoting *Lujan*, supra, at 573-574, 112 S.Ct 2130, 119 L.Ed. 2d 351)." (As cited in *Hein v Freedom of Religion*)

In closing, the Amici offer the following comments for the record and the court's consideration:

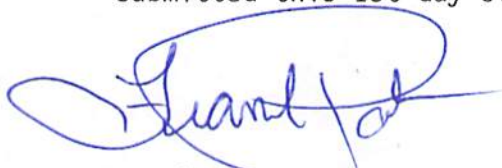
Our nation, was once a very great nation. We have the potential to be such a nation again. The news media, spinning the facts, to tell their "story", forwarding whatever political agenda, whichever party line wants to sell, has sadly turned the news media into a propaganda machine. One in which, our President rightly calls, "fake news".

Politics are to stay in the area of politics. Law is to stay in the area of law. Executive is to stay within the executive. The founding fathers, engineered it this way, for a sole purpose. To avoid the tyranny of which we as a newly formed nation had just fought our way from underneath. Their concerns were very real that any such future collapsing of powers, would bring around again, the tyranny from which we had un-yoked ourselves from. "The law of Article III standing, which is built on separation-of-powers principles, serves to prevent the judicial process from being used to usurp the powers of political branches." *Clapper v. Amnesty Int'l USA*, 568 U.S. \_\_\_, \_\_\_, 133 S.Ct 1138, 1146, 185 L.Ed 2d 264, 275 (2013)" As cited in the UNANIMOUS Opinion of the Supreme Court in *Susan B. Anthony List, v. Driehaus*, April 2014. 134 S.Ct 2334.

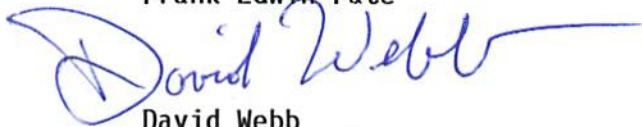
The Christian Coalition for Judicial Reform is solely focused on bringing Justice, in the United States back under the control of the branch of government, in which it Constitutionally belongs. Solely and independently back into the Judicial branch of governments limited jurisdiction, under Article III of the United States Constitution.

This brief is humbly submitted to forward the ends of Justice, by the following Americans noted:

Submitted this 1st day of March 2019,



Frank Edwin Pate



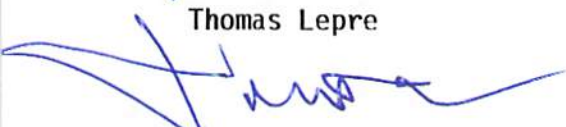
David Webb




Charles Wilson



Thomas Lepre



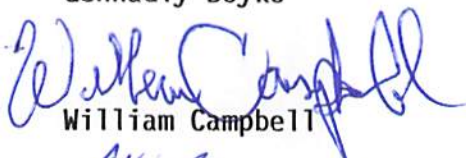
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EXHIBIT A

### The Issue

Since 1947, the United States Department of Justice, headed by the United States Attorney General, has continually and systematically falsely accused -- and by way of unlawful indictments -- blackmailed and exhorted "convictions" against MILLIONS of American citizens.

The men and women, allegedly protecting our country, have instead created a machine which feeds on innocent lives at an astonishing rate. This has placed our nation on the global map as having and maintaining the "highest incarceration rate" of the world.

Their conspiracy is far more criminal than any of the alleged "crimes", which they are supposed to protect the United States government from.

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Ironically, the United States Criminal Code, 18 § USC 371, states:

If two or more persons conspire either to commit any offense against the United States, or defraud the United States or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.

The Department of Justice conspires exactly like this against American citizens -- its own people -- each and every day.

The following will show just how such a conspiracy has been ongoing -- for at least 70 years now ...

The United States Constitution provides for certain protections. Beginning with Articles 1 through 3, it outlines what these "government" powers entail and how those powers may be "wielded". When these powers were written there was no structured republic. These Articles are the "backbone" of our federal government body. They are also instructive to the individual state bodies of government -- of the people, for the people, by the people.



Article I addresses the powers available by way of congressional legislation. Any power accessed outside the actual texts of this body of work is, in fact, "unconstitutional".

Article II addresses powers of the "Executive Branch." The same "letter-of-the-law" standards apply. Any and all power exercised outside the body of law is by definition unconstitutional.

Article III, the "Judicial Branch", is the topic under consideration. It is the one most easily abused and most destructive when abused. "Judicial power excesses" are what the thirteen colonies were oppressed by and opposed to under the "King and his courts". As such, "Judicial Power" (Article III) required major reasoning. The founders were careful and precise with their wordings, particularly on this Article in their drafting of the Constitution. Justice must be available for all.

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Of primary importance is the part of Article III that states: the powers of the judiciary shall extend to all cases in law... This is how an injured party gains access to federal courts. If an "injured party" has a legal dispute and the "questionable conduct" is prohibited by one or more federal laws, then he, she or it can bring the "case" before a federal court. A lawyer represents the "injured party" in most "cases".

For more than 200 years now, the United States Supreme Court has defined, and continues to remind and clarify, what constitutes a "case". According to the Supreme Court, a "case" consists of three precise, mandatory elements, of which all three must be in evidence to make a "federal case". First and foremost, there must be an "injured party" who/that has "standing" to present his/her or its "case".

Standing to sue is a doctrine rooted in the traditional understanding of a case or controversy; the doctrine developed in our case law to ensure that federal courts do not exceed their authority as it has been traditionally understood. See *id.*, at 820, 117 S.Ct 2313, 138 L.Ed 2d 849. This doctrine limits the

category of litigants empowered to maintain a lawsuit in federal court to seek redress for a legal wrong." (See: Spokeo vs. Robins, S.Ct)

Based on the doctrine of "standing", a litigant must meet three specific elements to gain court entrance and access Article III powers:

Our cases have established that the "irreducible constitutional minimum" of standing consists of three elements. Lujan, 504 U.S., at 560, 112 S.Ct 2130, 119 L.Ed. 2d 351. The plaintiff must have

- 1) suffered an injury in fact,
  - 2) that is fairly traceable to the challenged conduct of the defendant, and
  - 3) that is likely to be redressed by a favorable judicial decision."
- (Spokeo v Robins, 2016)

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The highest court in the nation further states that the burden of proof rests with the Plaintiff:

The Plaintiff, as the party invoking federal jurisdiction, bears the burden of establishing these elements." (See: Spokeo)

and further, that these facts must be clear:

Where, as here, a case is at the pleading stage, the plaintiff must "clearly ... allege facts demonstrating" each element." Warth, supra, at 518, 95 S.Ct 2197, 45 L.Ed. 2d 343. (See: Spokeo)

We now have all the makings of a federal "case". As such, Federal Judicial powers provided under Article III are available. The "court is open". Lacking in ANY of the three required elements, judicial powers are not available. The "court is closed."

The Supreme Court makes clear that the single most important element required is element 1) that of the "Standing" doctrine:

This case primarily concerns injury in fact, the "[f]irst and foremost" of standing's three elements." Steel Co. v Citizens for a Better Environment, 523 U.S. 83, 103, 118 S.Ct 1003, 140 L.Ed. 2d 210 (1998) (See: Spokeo)

The court further reminds us of the constitutional necessity of this "standing" doctrinal element:

Injury in fact is a constitutional requirement, and "[i]t is settled that Congress cannot erase Article III's standing requirements by statutorily granting the right to sue to a plaintiff who would not otherwise have standing." (Spokeo)

In other words, injury in fact, being made up of distinct factors, must be "personal" to the Plaintiff:

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The injury in fact requirement helps to assure that the plaintiff has a personal stake in the outcome of the controversy. (See: Susan B. Anthony List vs Driehaus, S.Ct. 2014)

"particularization" and "concreteness" of the "personal injury":

For an injury to be "particularized," it must affect the plaintiff in a personal and individual way. (Collection of seven Supreme Court cases, as relied on in Spokeo vs. Robins)

The court further makes aware that more than "personal" is required:

An injury in fact must also be "concrete". (Spokeo 2016)

This "concreteness" factor must be "real":

A "concrete" injury must be "de facto"; that is, it must actually exist. (Black's Law Dictionary 479 (9th Ed. 2009) (as relied upon in Spokeo v. Robins, 2016)

The Supreme Court, as earlier stated, has been reminding the lower courts of this issue for many years:

We have made it clear, time and time again, that an injury in fact must be both concrete and particularized." See e.g., Susan B. Anthony List v. Driehaus, 573 U.S. \_\_\_, \_\_\_ 134 S.Ct. 2334, 189 L.Ed 2d 246 (2014)

In otherwords, this argument is NOT raised for the first time.

Before anyone gets the idea that this Doctrine of Law is only applicable to "civil cases";

... the powers of the judiciary shall extend to all cases in law and equity ... (Art. III, Cl. 2)

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The Judicial Powers, SHALL EXTEND TO ALL CASES ... This, of course, means the Criminal Process of Federal "law" as well.

#### Abuse of Powers

The United States prosecution teams have become nothing but political "hit squads"; bent on whatever the current politics wants. This destroys the United States Constitution. When a judge, presiding over a court, aligns his or her rulings in support of this abuse of power, we have what our current President has deemed: "the Swamp"; and a "Swamp" it is.

When the "United States of America" appears in a Federal Court, failing to allege and prove an "injury in fact" ("black eye"), a prosecuting attorney is accessing Article III "power" illegally; then gaining a "conviction" and "judgment" it is not legally entitled to. And people then get shipped to prison -- illegally.

A prosecution office for ANY presidency can unlawfully be used as "street muscle" to enforce "party agenda(s)". In so doing, this is illegal. The

Supreme Court states clearly, this is "unconstitutional."

This has been the "norm" for many past presidents.

#### **Constitutional Mandates**

According to Article VI of the United States Constitution, the officers of the courts and the judges know their responsibilities are to uphold the Constitution:

... and all executive and judicial officers, both of the United States and of the several states, shall be bound by Oath or Affirmation, to support the Constitution. (Art. VI, cl. 3)

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These same officers, also know the "Senior Law" of the land ...

This Constitution, and the laws of the United States, which shall be made in pursuance thereof ... shall be the Supreme Law of the Land. (Art. VI, cl. 2)

When a "non-injured" party presents a claim to the Federal court, this is a "moot case", and cannot be heard or decided:

Moot case: A case that presents only an abstract question that does not arise from existing facts or rights. (Black's 10th Ed.)

The Supreme Court stated: ... injury in fact, the first and foremost of standing's three elements (Spokeo, see pg. 2)

it being quite clear that the "injury in fact" must affect the plaintiff in a personal and individual way. (Spokeo, in a collection of seven separate cases). This gives "Rights" to the Plaintiff.

As such, the United States of America prosecution, in almost all of its prosecutions, is bringing to the courts, "cases" of which have no legal "right"

to proceed upon.

### The Identified Cause

This author offers the following factual based findings. As such, you are required to do your own research to see if what you are reading is true.

According to Title 18 § 3231, the federal courts hold "original jurisdiction" over all offense against laws of the United States:

The district court of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against laws of the United States; (in part)

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Please notice, shall have original jurisdiction. Now look at this wording directly from the United States Constitution:

In all cases affecting Ambassadors, other public ministries, and Consuls, and those in which a State shall be a Party, the supreme Court shall have original jurisdiction. (Art. III, sec. 2, cl. 2)

Do you see that a body of congressionally passed law conflicts with the Constitution ("supreme Law of the Land")? But let's look further: it gets much worse ...

According to "injury in fact" under Article III, as you have read, the Constitution notates "standing" is a "constitutional requirement".

Going back to the § 371 "conspiracy" charge, look at this clip:

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States or any agency thereof ... "against the United States" (injured party).



We can clearly see that Congress found it necessary to uphold the well-established doctrine of "standing" in the wording of this law (§ 371 "Conspiracy").

Congress, under § 371, gave us all three elements of "standing":

Element 1) requires "injury in fact" § 371 states:

**... commit any offense against the United States ..."**

Clearly we see the "United States" would be the "injured party".

Element 2) requires: "that is fairly traceable to the challenged conduct(s) (prohibited conduct)

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**... commit any offense ...**

Clearly we see a federal law ("offense") had to be violated causing "injury"; (the "challenge" conduct)

Element 3) requires "redressability";

**each shall be fined under this title or imprisoned not more than five years, or both**

And lastly, we see Congress addressed the final of three elements: to have a "case"; (this law was passed 25 June 1948)

In support of this, let's look at § 1964(c) of Title 18, which was passed in 1970:

**Any person injured in his business or property...**

Do you see the evidence of Congress intending to address the constitutional

requirement, "first and foremost" of "injury in fact"? (element 1 of "standing") further along ...

by reason of a violation of section 1962 of this chapter ...

We see Congress intending to address element 2) "fairly traceable conduct" which was prohibited by federal law ...

... may sue therefore in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit including reasonable attorney's fees ...

And, of course, here we have the third element of "standing", the redressability element.

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Going back to § 3231, take another look:

The district court of the United States shall have original jurisdiction, exclusive of the states, of all offenses against laws of the United States.

Paying close attention to that which is underlined, of course the district federal court would address "federal offenses". However, notice that unlike the other two statutes of law we just covered, there is NO mention of an "injured party", nor "who" can bring a "case" into the district court involving a "federal offense". Congress gave standing without requiring any "injury in fact", as is constitutionally protected.

... Congress cannot erase Article III's standing requirements by statutorily granting the right to sue to a plaintiff who would not otherwise have standing. (See: Spokeo v Robins, 2016)

The Attorney for the United States, has been getting away with not proving "standing" due to this error in statutory construction of law. This is how the prosecutors have been doing what they do. They simply say ... "Well, Congress

said we could ...!" However, you now know that Congress cannot erase Article III's standing requirements by statutorily granting the right to sue ...

This must be fixed to stop the abuse of law. We need your help in spreading this to the people. We need to take our government back under our control.

Abe Lincoln most famously stated:

the people are the masters of both Congress and the courts, not to overthrow the Constitution, but to overthrow the men who would pervert it!

Further, Thomas Jefferson states:

When the people fear their government, there is tyranny.

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Do you fear our current government body? Jefferson stated in the same quote:

When the government fears the people, there is liberty.

I don't know about you, but I choose the later.

### **The Solution**

Congress can fix this -- simply by rewriting the body of § 3231 to read something like this:

**The district court of the United States shall have original jurisdiction over all offenses against laws of the United States, of which bring injury in fact to the United States or any of its agencies.**

This would assure that prosecution must only prosecute "cases" which bring about harm to the United States (or one of its agencies).

This would further protect the States' rights, which are protected under the

10th Amendment. In other words, if the conduct happens to also be a "legally proscribed conduct" in the state, then the United States only has access to the "conduct" if it harms the United States. This is a growing issue in the legal marijuana industry, of which 28 states are currently exercising their 10th Amendment rights over legalization of marijuana, medically or recreational.

How does all this affect you? Let's take a look:

- 1) If you were Dr. Brett Nadel of Atlanta, Georgia, you would be told that you "injured" a group of private health care companies (not the "United States") by way of a (371) "conspiracy" (of which you had no personal knowledge). You would lose your license to practice, be shamed for no valid reasons, and told to plead to three years or face 20 years in prison. Then you would be encouraged to lie and say you were "not coerced" to change your plea.
- 2) If you were Edward Forehand, a 70-year-old Christian bookstore owner, you would also be accused of a "fraud conspiracy" (of which you knew nothing) around the sale of "cookware". You would lose your family fortune of \$2.6M in physical assets, bought and paid for long before selling the cookware.
- 3) If you were Frank Pate, a former adherent to Scientology, you would be accused of "wire/mail fraud" by Jonathan Horwich of Chicago, Illinois. You would lose control of all your business assets (in excess of \$24M). Your wife and children would be threatened to abandon you or your wife would face prosecution. Jonathan Horwich, by the way? Neighbor to President Obama in Hyde Park and also the "son-in-law" of Scientology founder, L. Ron Hubbard. Again, NO "injury-in-fact" to the United States. No proof of fraud against Horwich either. Pate left Scientology; Horwich pulled strings; Pate "convicted".

4) In the heart of Dixie, if you were Will Campbell, an education professional, working for the University of Alabama, you would be charged with "wire fraud" against the State of Alabama and the University. Yet, you would be charged by the "United States of America", a "non-injured" party. You would lose millions of dollars' worth of personal, and family assets, and reputations of good standing built over a lifetime.

5) Saving the biggest and best for last, if you were Jeffery Skilling, you would be charged with "....conspiracy to commit "honest services" wire fraud, 18 U.S.C., 371, 1343, 1346, by depriving Enron and its shareholders...."

~~(citing Supreme Court in 177 2 L.Ed 619, 561, US, Skilling v. United States)~~

You read it: the Supreme Court of the United States stated the "injured parties" were "enron and its shareholders". Not the "United States of America", as Mr. Skilling's charging instrument shows.

To solidify that the United States of America must be the party "injured", relying on a 2013 Holding from United States vs. Windsor, 186 LED 2D 808, 570 U.S. 774, stating in part:

"In this case the United States retains a stake sufficient to support Article III jurisdiction on appeal and in the proceedings before this court. The judgment in question ordered the United States to pay Windsor the refund she seeks."

The United States clearly had a "financial stake". It was subject to losing (tax refund), and it fought to keep its money in the United States treasury.

Further, under 28 USC § 547 "Duties of a Prosecutor":

"Except as otherwise provided by law, each United States attorney, within his district, shall --

(1) prosecute for all offenses against the United States:"

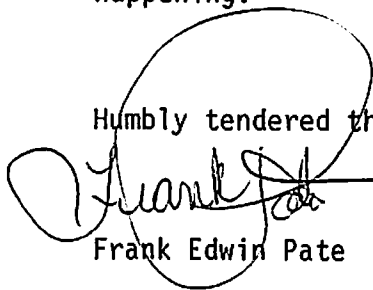
This author ends with this one question:

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"What stake does the United States have in private transactions between citizens?"

Google these names. Read for yourself. You could be the next victim of such abuse by the "United States" prosecution. This is real news. This is happening.

Humbly tendered this 30th day of July 2018



Frank Edwin Pate